The Examiner's Final Action is evasive and nonresponsive to <u>any</u> of the Applicant's arguments because it asserts disingenuous statements that avoid addressing the substance of Applicant's arguments. In particular, the Examiner asserts on page 5, paragraph 7 of the Final Action that:

> Applicant argues *via incorporation by reference* the arguments presented April 2, 2004 and September 16, 2004 (see page 1, third full paragraph of the present response).
>
> In response *these arguments* have been treated in previous Office actions (mailed June 16, 2004 and June 16, 2005). Repeated arguments are referred to in previous Office actions responses which are incorporated herein by reference.

(Emphasis added).

These statements by the Examiner are a blatant mischaracterization of the Applicant's arguments, and demonstrate a refusal by the Examiner to consider <u>the very substance</u> of Applicant's arguments, because the very same paragraph cited by the Examiner (used to dismiss the arguments as mere incorporation by reference) also explicitly stated that "The following comments elaborate on Applicants prior arguments *and address the issues raised in the June 16, 2005 Official Action*."

The Examiner therefore <u>deliberately disregards the next seven pages of arguments (pp.2-8)</u> that specifically rebut *each and every one of the Examiner's arguments, old and new.* In fact, <u>none</u> of the arguments on pages 2-8 of Applicant's September 16, 2005 have been addressed by the Examiner at <u>any time</u>.

Hence, it is respectfully requested the Examiner withdraw the Finality of the rejection and address the substance of <u>each one of</u> Applicant's arguments which are presented below.

1. The Examiner is Disregarding Explicit Claim Limitations and Inherent Features

The Examiner continues to disregard the <u>explicit claim language</u> that <u>requires</u> converting the text-based message of an SMS message into an audible message *in response to detecting the text-to-speech messaging command <u>within</u> the SMS <u>message</u>*.

The Examiner argued on page 7, paragraph 7 of the June 16, 2005 Office Action that "the argument concerning *regardless* of message type preferences for the messaging destination is not claimed nor considered an inherent property." (Emphasis in original).

However, the Examiner dismisses this inherent property without <u>any explanation whatsoever</u> to support his conclusion, and provides no additional explanation in the November 30, 2005 Final Action to support his assertion that "regardless of message type preferences for the messaging destination" is not an inherent property.

In fact, the Examiner's position <u>defies simple logic</u> because the Examiner is suggesting that the decision to invoke a text-to-speech (TTS) resource somehow *should be* determined based on message type preferences for the messaging destination, even though the claims explicitly specify (1) receiving an SMS message that specifies a text-to-speech messaging command, and (2) invoking a text-to-speech resource *in response to detecting the text-to-speech messaging command*.

Claim 1 specifies:

1. (ORIGINAL) A method in a server configured for executing messaging operations, the method comprising:
   receiving a short message service (SMS) message *that specifies a text-to-speech messaging command*, a text-based message, and a messaging destination;
   detecting the text-to-speech messaging command during parsing of the SMS message;
   invoking a text-to-speech resource for conversion of the text-based message into an audible message in response to detecting the text-to-speech messaging command; and
   outputting the audible message for delivery to the messaging destination.

Hence, claims 1, 20, and 31 recite "invoking a text-to-speech resource for conversion of the text-based message into an audible message *in response to detecting the text-to-speech messaging command*; and *outputting the audible message* for delivery to the messaging destination." Claim 12 specifies the SMS command processor "invoking the text-to-speech resource ... *in response to detecting the text-to-speech messaging command* [in the parsed SMS message]").

<u>No further steps are required</u> to determine whether text-to-speech should be performed,

because the invoking of the TTS resource is *in response to detecting the text-to-speech command* in the parsed SMS message: destination subscriber delivery preferences need not be ascertained upon receipt of the SMS message, nor is any interactive messaging session required between the originator of the SMS message and a unified messaging server, where the originator would transfer the SMS message, *and* select a delivery option during the interactive messaging session to request text-to-speech translation of the SMS message.

Rather, the claims *explicitly specify* that the text-to-speech (TTS) resource *is invoked in response to* the detection of the text-to-speech messaging command *within the SMS message*. To assert that "the argument concerning *regardless* of message type preferences for the messaging destination is not claimed" defies logic and ignores the <u>explicit claim limitations</u>.

Applicant challenges the Examiner to demonstrate <u>on the record</u> how any message type preferences could <u>prevent</u> *the claimed invoking* of the TTS resource when the claimed SMS message includes the claimed TTS messaging command, while still falling within the scope of the claims. In other words, any interpretation posed by the Examiner that somehow <u>stops</u> the claimed invoking of the TTS resource in response to the TTS messaging command in the SMS message is outside the scope of the claims, and therefore improper.

As stated in MPEP § 2141.02 on page 126:

> In determining whether the invention as a whole would have been obvious ... we must first delineate the invention as a whole. In delineating the invention as a whole, we look <u>not only</u> to the subject matter which is literally recited in the claim in question ... <u>but also to those properties of the subject matter which are inherent in the subject matter and are disclosed in the specification</u>."

(Quoting *In re Antonie*, 559 F.2d 618, 620, 195 USPQ 6, 8 (CCPA 1977) (emphasis added).

Hence, the feature that the TTS resource is invoked <u>in response to</u> the detection of the TTS messaging command <u>within the SMS message</u> cannot be disregarded, and the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the

benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

2. The §103 Rejection is Improper Because There Is No Evidence of Motivation to Modify Schwelb to Add Jones or Luther

As described in detail below, the §103 rejection is improper because it fails to provide any evidence that establishes that one skilled in the art would have been motivated to modify the primary reference (Schwelb), to include the teachings of the second and third references (Jones and Luther), in order to obtain the claimed features in the manner claimed. "Teachings of references can be combined only if there is some suggestion or incentive to do so." *In re Fine*, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting *ACS Hosp. Sys. v. Montefiore Hosp.*, 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original).

The Examiner is reminded that an obviousness rejection requires a specific showing as to why one of ordinary skill in the art would have selected the components for combination in the manner claimed.[1] "The examiner's conclusory statements ... do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and [cannot] be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.'" *In re Lee,* 61 USPQ2d at 1434

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[1]*Cf. In re Lee*, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (*quoting In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) ("even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references").

(*quoting W.L. Gore v. Garlock, Inc.,*, 202 USPQ 303, 312-13 (Fed. Cir. 1983)).

As demonstrated in further detail below, the Examiner has made prior assertions that Applicant had attacked the references "individually", when in fact the Applicant was rebutting the Examiner's ill-founded <u>assertions</u> as far as the purported teachings of the individual references. In addition, as demonstrated below, the Examiner's assertions of motivation to modify are ill-founded and inconsistent with the explicit teachings of the references[2], such that one skilled in the art would <u>not</u> have been motivated to modify the references, as asserted.

2a. No Evidence of any Motivation to modify Schwelb to Include Jones

As admitted in the Official Action, Schwelb does not disclose or suggest: (1) receiving an SMS message that specifies a text-to-speech messaging command; (2) detecting the text to speech messaging command during parsing of the SMS message; (3) invoking a text to speech resource for conversion of the text-based message into an audible message in response to detecting the text to speech messaging command.

In fact, Schwelb teaches accommodating a visually impaired subscriber (that may be sent an SMS message) by enabling the visually impaired subscriber to register with a mobile switching center (MSC) and activate a Non-Seeing Subscriber feature (NSS) feature, causing the MSC to set in the appropriate NSS field in the subscriber profile (col. 5, lines 47-52; col. 6, lines 26-44). Hence, the decision for performing text-to-speech conversion is based on subscriber attribute information (e.g., a non-seeing subscriber (NSS) field) that specifies that the subscriber has activated a feature for automatic text-to-speech operations (col. 5, 47-52; col. 7, lines 16-38).

At this stage of the § 103 rejection, the Examiner is required to present <u>evidence</u> that one having ordinary skill in the art would have been motivated to modify Schwelb, as asserted. *In re Fine* at 5 USPQ2d 1600.

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[2]Although the test for establishing an implicit motivation in the prior art is what a prior art statement would have suggested to those of ordinary skill, such a statement "must be considered *in the context of the teaching of the entire reference*." *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

The Examiner asserted that "it would have been obvious ... to modify Schwelb with the above teachings of Jones, so the sender has the option to tell server [sic] to convert to voice when sender knows the preferred format (as suggested by Jones, column 8, [lines] 51-55)." At issue is (1) whether Jones at col. 8, lines 51-55 provide the necessary motivation to cause one skilled in the art to modify *Schwelb* to require a sending party of an SMS message to add a command for TTS, and (2) whether Jones provides the purported teaching as asserted by the Examiner. As described below, Jones fails to meet either of these two requirements.

Jones teaches that "[w]hen the sender knows the preferred media format for the recipient of the message, the sender can instruct the message delivery service to put the message, composed in one format, into the preferred format", where "the preferred media format for a message recipient can usually be determined *from a query to the network directory service*." (Col. 8, lines 51-59). However, Schwelb already teaches that the SMS messages can be automatically converted to speech based on the destination subscriber setting the Non-Seeing Subscriber (NSS) field in the subscriber attribute information. Further, Jones teaches that the sender would determine the preferred media format from accessing the same source, namely the network directory service (i.e., subscriber attribute information in Schwelb).

Hence, the asserted motivation to modify is not present, because Schwelb already automatically converts SMS text to speech based on the destination subscriber setting the NSS field: since Jones relies on the same subscriber attributes as Schwelb, one skilled in the art would conclude there is no need or desire to provide a sender the option to "tell server to convert to voice when sender knows the preferred format", since *Schwelb already converts based on the preferred format*.

Hence, there is no evidence of any desirability to modify Schwelb, because Schwelb already converts SMS text into speech based on the preferred format of the destination subscriber.

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2b. Jones Does Not Teach Receiving a Message "That Specifies a Text-to-Speech Messaging Command", as asserted.

Jones does <u>not</u> teach "receiving a message that specifies a text-to speech messaging command (column 8, lines 51-59)", as asserted in the Official Action. In fact, the cited portion of Jones actually teaches that a sender *instructs* the *message delivery service* on the manner in which the <u>message</u> should be delivered:

> When the sender knows the preferred media format for the recipient of the message, the *sender* can <u>instruct</u> the *message delivery service* to put *the message*, composed in one format, into the preferred format when technically feasible. For example, the message may be composed as text, and converted to voice using speech synthesis. As will be appreciated, the preferred media format for a message recipient can usually be determined from a query to the network directory service. Certain message preparation services are capable of automatically querying the directory service and using the query results for format conversion.

(Col. 8, lines 50-61).

Also note in Figure 2 of Jones that the sending entity 500 is <u>distinct</u> from the message composition service 710 <u>and</u> the message delivery service 720:

> A sending entity 500 communicates with the message composition service 710 *to compose a message*. Message composition may include interaction with the directory service 700. The sending entity 500 then instructs the message composition service 710 to *transfer the composed message to the message delivery service 720*, which delivers the message to its specified destination and provides various forms of reports on delivered messages to the sending entity 500.

(Col. 12, lines 9-17).

As shown in the above-quoted portion of col. 8, lines 50-61, Jones contemplates that the sending entity 500 interacts <u>separately</u> with the message composition service 710 and the message delivery service 720. In other words, the *sender* <u>*instructs*</u> *the message delivery service 720*, which is *distinct* from the *message composition service 710* that is used to *compose the message*. Hence, the text-to-speech command is <u>separate from the message</u>.

Hence, there is no disclosure or suggestion of receiving a message <u>that specifies</u> a text-to-speech messaging command, as asserted. Rather, one having ordinary skill in the art, upon

having reviewed Jones, would at most conclude that a subscriber may transfer a message, for example using a unified messaging interface session, and the subscriber *also* may send an instruction **that is separate from the message composed** during the unified messaging interface session that specifies that the message should be converted to speech.

Hence, Jones simply teaches that a sender of the message can also send a text to speech instruction that is <u>distinct</u> from the message. There is no disclosure or suggestion that the message actually *includes* the text to speech instruction, as claimed. Further, there is <u>no</u> <u>evidence</u> of <u>any</u> desirability by one skilled in the art to modify <u>either</u> Schwelb or Jones, singly or in combination, to actually *insert the TTS command within the SMS message itself*: all the applied teachings of SMS messaging (of Schwelb) and messaging in general (of Jones) specify that attributes and commands associated with messaging delivery are kept <u>separate</u> from the actual message. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." <u>In re Fritch</u>, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). <u>In re Mills</u>, 16 USPQ2d 1430 (Fed. Cir. 1990).

In fact, there is no disclosure or suggestion in Jones of even <u>providing the TTS command</u> *<u>with</u>* <u>the message</u> (i.e., attaching the TTS command *with* the message). Jones <u>separates</u> the TTS command from the actual message to the extent that transmission the message is transfered by the message composition resource 710 <u>with no TTS command whatsoever</u>: rather, the user in Jones is required to supply the TTS command separately to the *message delivery service 720.*

Hence, the hypothetical combination of Schwelb and Jones would disclose no more than a sender, during an interactive unified messaging interface session, being able to transfer an SMS message with a *separate delivery instruction* that requests text-to-speech translation.

3. Luther is Not Analogous Art Because It Does Not Even Relate to Messaging

The Examiner has failed to address Applicant's argument that Luther is non-analogous art, and has asserted no more than the simple argument on the June 16, 2005 Office Action in paragraph 9 on page 8 that "the common field of Schwelb et al., Jones and Luther is text-to-

speech *messaging*" (emphasis added), followed by the assertion in paragraph 10 that "Luther has not been applied for showing transfer of SMS messages, but for showing detecting the text-to-speech messaging command during parsing of *the message* and conversion to audible message in response to the detecting step" (emphasis added).

However, Luther does not even encompass the simple field proposed by the Examiner, namely text-to-speech *messaging*, because Luther has <u>no relevance to *messaging* whatsoever</u>!

The Final Action has failed to address Applicant's argument that there is <u>no reference whatsoever</u> to ***any type of messaging*** being performed in Luther; in fact, Luther does not provide a single recital of any of the terms, "messaging", "messages", "mail", "sender", "sending party", "deliver", all fundamental terms for use in describing *messaging* operations.

In fact, the <u>sole reference</u> to the term "message" in Luther is on col. 8, line 17, part of an Appendix specifying *scripting commands* for a <u>multimedia script file</u> and that describes a command for generating a <u>prompt message</u> for a user:

laskUserYN:
> {question text}, {if yes goto
> tag name, {if no goto} tag name.vertline.
> ***Present question to user in a message box***
> ***with yes and no buttons***.

Luther amply demonstrates that the his teachings of multimedia presentation have <u>absolutely nothing to do with *messaging*</u> (i.e., sending a message from a sender to a destination):

> The present invention relates to <u>a system for scripting a text-to-speech-based *multimedia presentation*</u>, and in particular, to a system in which a scripting file which includes text narration and multimedia commands is processed so as to separate the text from the commands, to enunciate the text narration, and to execute the multimedia commands.

2. Description Of The Related Art

> Recently, the sophistication of <u>computerized multimedia presentations</u> has increased dramatically. Such presentations include audio programs, such as MIDI ("musical instrument digital interface") music and digitized speech, and video programs which may include bit map still video images and digitized motion video or animated features. <u>The audio program and the video program are scheduled into a combined multimedia</u>

presentation.

Conventional scheduling systems for the audio program and the video program in multimedia presentations are time/event-based scheduling systems in which each program (or event[)] is scheduled to begin and end at pre-designated times. Thus, for example, *FIG. 7 shows a system for scheduling a multimedia presentation which includes MIDI music, digitized audio speech, still video, and digital motion video programs. Each aspect of the program is scheduled to begin and end at specifically noted times as set forth on the time line for each program*. Thus, for example, the multimedia presentation begins with a still video presentation of a "credits" file, and a MIDI music presentation synthesized from an "intro" file. At thirty seconds into the multimedia presentation, digitized speech is scheduled to begin a voice-over sequence that plays out at the same time as the synthesized MIDI music. Meanwhile, the still video "credits" file is closed out and a digitized motion video sequence from an "introduction" file commences. *Scheduling of the multimedia presentation continues in accordance with the illustrated time line.*

Fig. 7 of Luther demonstrates that multimedia presentations cannot be used at all in the messaging systems of Schwelb or Jones. There is no commonality whatsoever between the messaging systems of Schwelb and Jones and the multimedia system of Luther, and there certainly is no commonality between the claimed messaging system and the multimedia system of Luther.

In fact, Luther does not even satisfy the Examiner's requirement of being in the field of text to speech *messaging*!

Luther is neither in the field of applicant's endeavor, nor reasonably pertinent to the particular problem with which the inventors was concerned, and as such is non-analogous art. In re Wood, 202 USPQ 171, 174 (CCPA 1979). In re Oetiker, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

4. No Evidence of Any Motivation to Modify Schwelb to Include Teachings of Luther

The Examiner asserts that it would have been obvious "to modify Schwelb with the above teachings of Luther, in order to avoid desynchronization as suggested by Luther (column 4, lines 24-30)."

The absurdity of this statement by the Examiner is readily apparent when considering that while Schwelb simply converts a <u>single SMS message</u> to speech, there is no need for any synchronization whatsoever in Schwelb, because there is **NOTHING TO SYNCHRONIZE**!

In contrast, Luther is concerned with the avoidance of desynchronization between "text-to-speech command *parameters* to be embedded in the text narration fed to text-to-speech converter 26, so as to avoid the possibility of desynchronization between the speech commands and *the text with which those commands are associated*." For example, Luther specifies in col. 7, lines 8-24 (Appendix A) the following text-to-speech command parameters: speech volume, speech speed, speech pitch, male or female voice, showing "animated face with special effects", "remove animated face", "maximize size of face", "minimize size of face". The execution of these parameters may be important in a synchronized multimedia presentation of concurrent audio, video, graphic, text, and text-to-speech outputs, but no such synchronization is present in converting SMS messages to text.

Hence, the Examiner's assertion that "Luther has not been applied for showing transfer of SMS messages" disregards the underlying requirement that the rejection must demonstrate a desirability to modify *Schwelb* <u>in the manner claimed</u>, and that any statement in the prior art presented to establish motivation "must be considered *in the context of the teaching of the entire reference*." *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

5. The Hypothetical Combination is Unsatisfactory for its Intended Purpose, and Therefore Fails to Establish Prima Facie Obviousness

The Final Action fails to address Applicant's assertion that the proposed modification to the combination of Schwelb and Jones to include Luther would change the principle of operation of Schwelb and render the hypothetical combination **unsatisfactory for its intended purpose** of providing SMS messages, because a user could no longer use his or her cell phone for the intended purpose of SMS (*Short Message Service*) messaging: a user would be required to use an advanced computer system in order to create and execute *a multimedia script file* that <u>synchronizes sound/voice with images/video</u>. This synchronization in the hypothetical

combination would be _explicitly required_ due to the Examiner's assertion that one skilled in the art would modify Schwelb "in order to avoid desynchronization as suggested by Luther" (page 3, line 8).

Therefore, the rejection must be withdrawn because "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." MPEP § 2143.02, Rev. 2, May 2004 at p. 2100-132 (Citing In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). "If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." Id. (Citing In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Cf. MPEP §2145.III at page 2100-160 (Rev. 2, May 2004) ("the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose.").

Further, the Examiner's continued reference of Ex parte Obiaya is nonresponsive to Applicant's arguments that the hypothetical combination does not show or suggest _explicit claim limitations_. The Examiner's boilerplate language regarding "advantages which would flow naturally" is vague, nonresponsive, and disregards the explicit claim language. Moreover the burden is on the **Examiner** to demonstrate unpatentability, and the Examiner has failed to rebut Applicant's argument that the hypothetical combination would be inoperable and render Schwelb unsatisfactory for its intended purpose.

6. Luther Does Not Teach A Text-to-Speech Messaging Command Causing Invoking, As Claimed

Luther does _not_ teach or suggest a messaging _command_ that causes "invoking a text-to-speech resource ... in response to detecting the text-to-speech messaging command", as claimed. Rather, Luther teaches that the text to speech operations are assumed to be _always present_, and that the script file includes text-to-speech _parameters_, and _not_ the claimed text-to-speech messaging _command_.

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Luther uses Text-to-Speech to avoid the necessity for storing <u>recorded voice files:</u>

> Moreover, by including narrative text as part of the multimedia script file, it is possible to reduce storage requirements by about 1000:1 over digitized speech and also to avoid re-recording digitized speech files in the event that the narrative text is changed.

(Col. 2, lines 17-21).

Further, the script includes <u>parameters</u> that control the characteristics of the speech output by the text-to-speech converter:

> The text-to-speech converter 26 includes controllable text-to-speech conversion *parameters which control the characteristics of the speech* enunciated by the converter. For example, it is possible to control parameters which vary the speed, pitch, volume and voice of the text-to-speech converter.

(Col. 3, lines 30-35).

> The multimedia scripting commands may also include *commands to alter the parameters which control the text-to-speech conversion characteristics of text-to-speech converter 26*, as illustrated at 44. Based on the scripting commands in the script buffer, the text-to-speech parameters are fed to text-to-speech converter 26. Although illustrated in FIG. 2 as a distinct channel to text-to-speech converter 26, it is preferable for the text-to-speech command parameters to be embedded in the text narration fed to text-to-speech converter 26, so as to avoid the possibility of desynchronization between the speech commands and the text with which those commands are associated.

(Col. 4, lines 18-30).

As described above, concerns about desynchronization between the speech parameters (e.g., pitch, speed, male/female voice, etc.) and the associated text are of concern in multimedia presentations that rely on numerous script parameters for controlling numerous text strings. However, these parameters within the multimedia script file provide no disclosure or suggestion of a text-to-speech messaging <u>command</u> that is detected <u>during parsing of the SMS message</u>, and which *causes invoking* of the text-to-speech resource, as claimed. Any assertion that the multimedia script file is in any way a teaching of the claimed SMS message (let alone a "message") is absurd.

Conclusion

The foregoing examples of unfounded assertions, tortured interpretations of the claim language and the applied references, and the piecemeal application of the references by the Examiner unequivocally demonstrate that the Examiner is relying on impermissible hindsight. "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." *In re Fritch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

For these and other reasons, the §103 rejection in view of Schwelb et al., Jones, and Luther should be withdrawn.

The indication of allowable subject matter in claims 6, 9-11, 13, 15, 17-19, 25, 28-30, 36, and 39-41 is acknowledged with appreciation. It is believed these claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-460, and please credit any excess fees to such deposit account.

Respectfully submitted,

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